United Nations A/HRC/30/NGO/68

General Assembly

Distr.: General
4 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15038(E)

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Situation in the Ukraine

While the government in Kiev is struggling to push for reforms in the sphere of human rights, civil liberties, good government and rule of law, it faces a situation of ongoing war in the Luhansk and Donetsk territories and the illegal annexation of Crimea by Russia.

The human rights situation in Luhansk and Donetsk is extremely worrying: Between 200,000 and 300,000 civilians still live close to the front line or in the contested area. According to estimates of human rights defenders there are 30,000 men fighting: pro-Russian fighters, regular Russian soldiers, volunteers from other countries, for example the „Interbrigada", a union of French, Checks, Slovaks and others nationals fighting for pro-Russian aims. The "Interbrigada's" headquarter is in Moscow.

Human rights defenders from this part of the country state that the big difference between coping with human rights violations in the east and the rest of Ukraine is that in the eastern part, there is no rule of law, there are no institutions where human rights violations will be registered and perpetrators will be brought to justice.

Torture is a big and wide spread problem. Human rights defenders estimate that 10,000-15,000 individuals were subjected to torture. Torture takes place in cellars, for instance in the cellar of the "University of Eastern Ukraine" in Luhansk.

Kidnapping is also prevalent: Svetlana Valko, human rights defender of the organization "International partnership for human rights", distinguishes between four types of kidnapping. The perpetrators are pro-Russian fighters:

- Ukrainian soldiers are kidnapped, tortured and mistreated. After an exchange of the men in question is arranged, they are treated slightly better.
- Civil society activists are kidnapped if they are perceived to be pro-Ukrainian. A system of denunciation has been established which poisons relationships between civilians in the Donetsk and Luhansk territory.
- People are kidnapped simply with the aim of extorting money.
- Civilians are held in cellars for disciplinary reasons, for example to punish them for not having respected the curfew of for not having greeted the pro-Russian fighters as they expect to be greeted.

Journalists have been kidnapped and held, for example Mariya Varfolomeeva. For over six months she has been in the hands of pro-Russian fighters who accuse her of taking pictures in Donetsk. She is threatened with 15 years of imprisonment in the self-proclaimed "Peoples´ republic of Luhansk". Here journalists have to work in a legal vacuum. In the self-proclaimed "Peoples´ republic of Donetsk" there are accreditation possibilities also for foreign journalists.

In the occupied territories the courts are not working. There are cases when three pro-Russian fights decide about life or death of a whole family as in the case of a family in the village of Peremozhnoe. The whole family was shot because the fighters believed them to support the Ukrainian army.

In Crimea, annexed by Russia in March 2014, the human rights situation has since worsened considerably. The main groups affected by human rights violations are Crimean Tatars and pro-Ukraine activists. The leaders of the Crimean Tatar national movement like veteran human rights defender Mustafa Dzhemilev and the president of the Crimean Tatar Medzlis, Refat Chubarov were banned from entering their homeland. Others were imprisoned, as Achtem Chijgoz, vice president of the Medzlis, who is held since January 29th without trial. Dozens of homes, mosques and schools were searched, young men disappeared, all public gatherings, for example the demonstration in commemoration of the deportation of the Crimean Tatars on May 19th were banned. The only Crimean Tatar TV Station, ATR was closed down on April 1st 2015. One has to conclude that the roughly 300,000 Crimean Tatars are systematically discriminated against and all public figures or persons who speak up openly for their rights are persecuted.

Also pro-Ukraine activists are persecuted against. Either they have already left Crimea peninsular, as many critical journalists and bloggers or they risk being punished. For instance three young people who gathered in Kerch on August 24th 2015, the Ukrainian day of independence, to show the flag of Ukraine, were taken to a police station even before they could unfold the flag. One of them has to spend 15 days in jail; the others have to pay 10,000 rubles. There are no international human rights monitoring mechanisms in place in Crimea. The only Russian-Ukrainian group, the "Field Mission Human Rights Crimea" was put on the "Patriotic stop list" by the upper house if the Russian parliament. Since then they have suspended activities.

Even though the government in Kiev is pushing for reforms in the human rights sphere, many decisions still need to be implemented. The police reform was a big step in the right direction but one has to pay special attention to torture in prisons and push through all instances, courts, public prosecutors, police, prison wards etc. a "zero tolerance" policy in respect to torture. Also the support and treatment of the internally displaced people needs to be improved immediately.

The Society for Threatened Peoples calls on the Human Rights Council to:

- take measures aimed at implementing the Minsk III agreement as the state of war leads to severe human rights violations and arbitrary violence against civilians in Donetsk and Luhansk.

- pressure the government of the Russian Federation to establish rule of law in the pro-Russian administrations of Luhansk and Donetsk

- ask the representatives of the Russian government to bring perpetrators from the ranks of pro-Russian fighters and regular Russian soldiers to justice.

- pressure the government of the Russian Federation to open Crimea to international human rights monitors.

- issue an invitation for Crimea for the special procedures of the Human Rights Council, as for instance the Special rapporteur on the rights of indigenous peoples.

- support the government of Ukraine in the important steps taken towards guaranteeing human rights for all citizens of Ukraine and end the use of torture in prisons.